IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 11712 of 2005

Between:

S.Bhaskara Rao, S/o.Ranganayakulu,
R/o.25/3/6, Mosque Street,
Venkatagiri Town, Nellore District.

..... PETITIONER

AND

The Revenue Divisional officer, Gudur-cum-Incharge Commissioner,
Venkatagiri Municipality
Gudur, Nellore Dist.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly in the nature of writ of Mandamus, declaring the action of the respondent in resorting to demolish the newly constructed structure of the petitioner situated at Door No.25/3/6, Mosque street, Venkatagiri Town, Nellore District (i.e., the structure raised abutting to the pathway in between the petitioner's house and the Mosque), without issuing any notice, as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondent not to demolish the above mentioned structure of the petitioner without following due process of law.

Counsel for the Petitioner: MR.K.R.SASIDHARAN

Counsel for the Respondent: GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court made the following :

O R D E R :

1. This writ petition has been filed by the petitioner with a prayer to issue a writ of Mandamus declaring the action of the respondent in resorting to demolish the newly constructed structure of the petitioner situated at Door No.25/3/6, Mosque street, Venkatagiri Town, Nellore District (i.e., the structure raised abutting to the pathway in between the petitioner's house and the Mosque), without issuing any notice, as illegal, arbitrary and violative of principles of natural justice.

2. Heard the learned counsel for the petitioner and learned Government Pleader for Municipal Administration and Urban Development appearing for the respondents.

3. Learned counsel appearing for the petitioner submits that the petitioner is the owner of the house bearing Door No.25/3/6, Mosque Street, Venkatagiri Town, Nellore District having constructed the same in the year 2004. He further submits that the respondents are contemplating to demolish the said house without following due process of law. Counter affidavit has not been filed by the respondents. The fact that the petitioner has constructed a house in the year 2004 remains uncontroverted. Such is the situation, the writ petition is disposed of directing the respondents not to demolish the house bearing Door No.25/3/6, Mosque street, Venkatagiri Town, Nellore District belonging to the petitioner without following due process of law. No costs.

Dated: 20-07-2005. (B.Seshasayana Reddy,J)

tnb

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Revenue Divisional officer, Gudur-cum-Incharge Commissioner, Venkatagiri Municipality
Gudur, Nellore Dist.

2. Two copies to Government Pleader for Municipal Administration and Urban Development, High Court Buildings, Hyderabad. (OUT)

3. CD copies